

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

WELLS FARGO BANK, NA,

Plaintiff,

Case No. 13-12959

Honorable Thomas L. Ludington

v.

WILLIAM STEPHEN TOTH

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND REMANDING THE CASE TO STATE COURT**

William Toth removed the case to this Court on July 9, 2013. However, Toth did not attach the necessary state court documents to his notice of removal (notably, a copy of the original complaint was not included), and he was ordered to “file an amended notice of removal . . . on or before July 27, 2013.” July 17, 2013 Order 2, ECF No. 3. Because Toth did not meet that deadline, and has since failed to “communicate with the Court in any fashion[.]” Report & Rec. 2, ECF No. 4, United States Magistrate Charles E. Binder issued a report recommending the case be remanded to state court, *see id.* As of today’s date, no party has filed any objections to Judge Binder’s report and recommendation. The election to not file objections to the report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the Judge Binder’s report and recommendation, ECF No. 4, is **ADOPTED**.

It is further **ORDERED** that this case is **REMANDED** to Michigan’s 89th District court.

Dated: August 28, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon William Stephen Toth, at 7539 Elm Highway, Posen, MI 49776 by first class U.S. mail on August 28, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS